

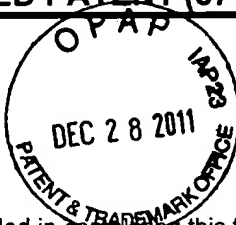
M \$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)
56733

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300



NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 5,971,141

Application Number: 09/052,175

Issue Date: October 26, 1999

Filing Date: March 31, 1998

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

01/05/2012 DALLIN 00000010 5971141

The above-identified patent:

01 FC:1599

2012 JAN -3 AM 8:51
306 AM 00 OP

☐ is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
_____ filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

December 24, 2011

Date

Signature

Dennis H. Lambert

Typed or printed name of person signing Certificate

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input checked="" type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ 2,365	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 2,365

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 3,065

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. _____

OR

☒ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.



Signature(s) of Petitioner(s)

December 24, 2011

Date

Dennis H. Lambert

Typed or printed name(s)

25017

Registration Number, if applicable

7000 View Park Drive

Address

(703) 451-1227

Telephone Number

Burke, VA 22015

Address

ENCLOSURES:

- ☒ Maintenance Fee Payment
- ☒ Statement why maintenance fee was not paid timely
- ☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)



Other:

Documentary evidence showing reasonable steps were taken to ensure timely payment.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."


Signature

December 24, 2011

Date

Dennis H. Lambert

Type or printed name

25017

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Please see attached.

(Please attach additional sheets if additional space is needed)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 56733

Patentee

Aasef Shafik

Patent No.

5,971,141

Issued

October 26, 1999

Patent Appln. Ser. No.

09/052,175

Filed

March 31, 1998

Title

TOILET ACCESSORY KIT

**STATEMENT OF CHRISTINE A. LAMBERT IN SUPPORT OF PETITION TO ACCEPT
UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

S I R:

I, Christine A. Lambert, am administrative assistant to petitioner herein and in that capacity I am responsible for keeping the docket and preparing documents for filing at the US Patent and Trademark Office.

I maintain both a computerized docket and a manual docket and I entered the due dates for the maintenance fees in this patent in both docket systems as shown by the attached relevant pages from those dockets. The third and final maintenance fee for this patent was due on October 26, 2011. On October 25, 2011, I prepared the necessary documents and submitted payment of the maintenance fee plus a \$65 surcharge for payment within the six-month grace period.

I print out the Patent Office fee schedules when they change and refer to the printed schedules when necessary. In the course of preparing the papers for paying the maintenance fee in this patent I referred to a printed schedule of Patent Office fees. Unfortunately, rather than the new fee schedule which had recently become available, I inadvertently picked up and used the previous fee schedule. Unfortunately, the new printed fee schedule required a larger maintenance fee payment than required in the old fee schedule. As a result, the amount of the payment I made on October 25th was insufficient.

I realized my error on October 26th and phoned the Office of Finance, who told me we would be sent a notice of insufficient payment and given an opportunity to pay the deficiency. On November 4, 2011, I received a Notice of Non-Acceptance of Patent Maintenance Fee, with no opportunity to pay the deficiency. I now realize that the short payment resulted in expiration of the patent and the Office of

Finance did not have the ability to permit me to pay the deficiency without expiration of the patent. Upon receipt of the Notice of Non-Acceptance I immediately began gathering information and material to use in connection with the petition to accept the unavoidably delayed payment of the maintenance fee.

Respectfully submitted,

A handwritten signature in cursive script, reading "Christine A. Lambert". The signature is written in black ink and is positioned above the printed name.

Christine A. Lambert



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 56733

Patentee Aasef Shafik

Patent No. 5,971,141
Issued October 26, 1999

Patent Appln. Ser. No. 09/052,175
Filed March 31, 1998

Title TOILET ACCESSORY KIT

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

S I R:

Petitioner requests acceptance of the accompanying payment of the third and final maintenance fee due in this patent and reinstatement of the patent. The third and final maintenance fee payment in this patent was due October 26, 2011, in the amount of \$2,055 plus a \$65 surcharge for payment within the six-month grace period. This payment was made on October 25, 2011, but the correct amount of the maintenance fee was \$2,365. The correct maintenance fee payment in the amount of \$2,365 and the surcharge fee of \$700 pursuant to 37 CFR 1.378 are enclosed. The payment of \$2,120 has been refunded.

Petitioner submits that in spite of reasonable care on behalf of the patentee, and taking reasonable steps to ensure timely payment, the correct maintenance fee was unavoidably not paid and this patent expired as a result. In this regard, petitioner did timely submit payment of the third and last maintenance fee in this patent, but the amount of the fee paid was insufficient. The patent had expired by the time petitioner learned that an insufficient fee had been paid.

Petitioner keeps both a computerized docket and a manual docket and the due dates for the maintenance fees in this patent were entered in both docket systems. Payment for the third and final maintenance fee for this patent was made within the statutory period, but the person making the payment inadvertently picked up and relied upon an incorrect Patent Office fee schedule that had recently been replaced by a new fee schedule requiring a larger maintenance fee than required in the old fee schedule. Accordingly, the amount of the fee paid was

insufficient. In this regard, it is noted that the new fee schedule had been printed and was available but the old schedule was picked up in error. Petitioner submits that this error is comparable to an error in a docketing system that, as noted in MPEP 2590(I), could possibly result in a finding that a delay in payment was unavoidable if it is shown that reasonable care was exercised in designing and operating the system and that the patentee took reasonable steps to ensure that the patent was entered into the system to ensure timely payment of the maintenance fees – which clearly was done in this case.

Attached are copies of:

Relevant pages from petitioner's computerized and manual docket entries;

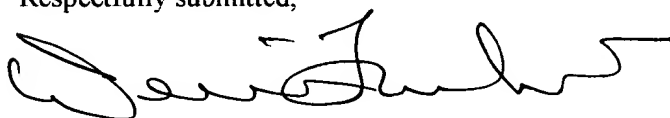
The maintenance fee transmittal form used to submit payment of the maintenance fee in October 2011;

The date-stamped card showing receipt of the payment by the Patent Office;

The PTO notice of non-acceptance of the maintenance fee;

Form PTO/SB/65.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis H. Lambert", with a stylized flourish at the end.

Dennis H. Lambert

Petitioner and attorney for patentee

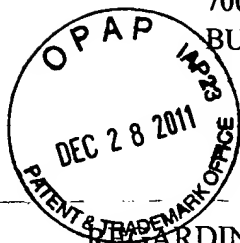


UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DENNIS H. LAMBERT, ESQ.
7000 VIEW PARK DRIVE
BURKE, VA 22015

November 1, 2011



NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 5971141

PAYMENT STATUS: _____

Payment Amount Received: \$ 2,120.00Payment Year 11.5 (e.g., 3.5, 7.5, 11.5)PAYMENT RECEIPT DATE 10/25/2011
(Mailroom Date Stamp)

Your payment was not accepted for the following reason(s):

- ☐ 1. The maintenance fee for the above-identified patent was previously paid on _____.
☐ Information regarding the previous payment is stated in item 8 below.
- ☒ 2. The patent expired on 10/26/2011. See "Patent Expiration" section below.
- ☐ 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on _____.
- ☐ 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the aboveidentified patent. An additional amount of \$ _____ is/was required.
- ☐ 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- ☐ 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- ☐ 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- ☐ 8. Other: _____.

Resubmitting Maintenance Fee Payment

The six (6) month "grace period" for paying the maintenance fee for the aboveidentified patent begins on _____ and ends on _____. In addition to the maintenance fee of \$ _____, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ _____. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

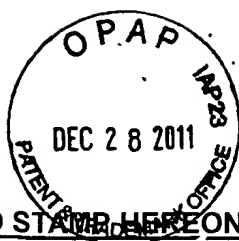
Kieu Tran (571) 272-6322

Printed Name of USPTO Representative

Kieu Tran

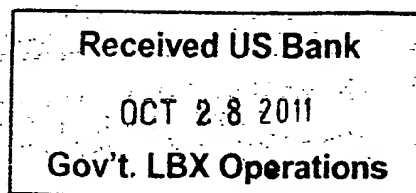
Signature of USPTO Representative

NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the www.uspto.gov website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.



THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF:

Docket No. : 56733
Applicant(s) : Aaser Shafik
Patent No. : 5,971,141
Issued : October 26, 1999
Patent Appln. Serial No. : 09/052,175
Filed : March 31, 1998
Title : TOILET ACCESORY KIT



Enclosures : Maintenance Fee Transmittal; check \$2,120.00

PLEASE DATE STAMP AND RETURN.

VENDOR ID: PTO
PAYEE: Commissioner of Patents

CHECK NO: 00006286
MEMO: Dkt.No. 56733

DATE: 10/25/11

ACCOUNT

AMOUNT

6000 PTO Fees

2,120.00

CHECK TOTAL: *****\$2,120.00

DENNIS H. LAMBERT

6286

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

MAINTENANCE FEE TRANSMITTAL FORM**(Do not submit this form electronically via EFS-Web)****Address to:**

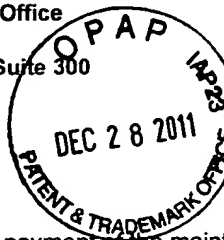
Director of the United States
Patent and Trademark Office
Attn: Maintenance Fee
2051 Jamieson Avenue, Suite 300
Alexandria, VA 22314

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314" on October 25, 2011

- OR -

Fax to: 571-273-6500

Signature Christine Lambert
Typed or printed name Christine A. Lambert



Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☒ A check for the amount of \$ 2120.00 for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
2. ☐ Payment by credit card. Form PTO-2038 is enclosed.
3. ☐ The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____.
4. ☐ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. _____.

* Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5).

Item	Patent Number*	U.S. Application Number* [e.g., 06/555,555]	Maintenance Fee Amount (37 CFR 1.20(e)-(g))	Surcharge Amount (37 CFR 1.20(h))	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	5,971,141	09/052,175	2055.00	65.00			X
2							
3							
4							
5							
Subtotals: Columns 3 & 4			2055.00	65.00	<input type="checkbox"/> additional sheets attached for listing additional patents.		
Total Payment			\$2120.00				

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, **

Customer's Signature

Customer's Name Dennis H. Lambert, Esq.Registration Number, if applicable: 25017Telephone: (703) 451-1227Fax: (703) 451-1297

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Matter Number	Client Reference Number
56733	

Patent Application	
Serial Number	Filing Date
09/052,175	03/31/1998
Filing Jurisdiction	
United States of America	

Client

Aasef (Joseph) Shafik

Title of Invention

TOILET ACCESSORY KIT

Patent	
Patent Number	Issue Date
5,971,141	10/26/1999
Examiner	Art Unit

ciambert

12/23/2011 12:55

Action Code	Action	Base Date mm/dd/yyyy	No.	Units	Reminder Date mm/dd/yyyy	Due Date mm/dd/yyyy	SBD No.	SBD Units	StarBar Date (SBD) mm/dd/yyyy	Completion Date mm/dd/yyyy	
MF35	Maintenance Fee (3 1/2 years)	10/26/1999	3	Years	10/26/2002	04/26/2002	4	Years	10/26/2003	04/24/2003	
MF75	Maintenance Fee (7 1/2 years)	10/26/1999	7	Years	10/26/2006	04/26/2006	8	Years	10/26/2007	04/25/2007	Drop dead date
MF115	Maintenance Fee (11 1/2 years)	10/26/1999	11	Years	10/26/2010	04/26/2011	12	Years	10/26/2011	10/26/2011	Drop dead date
MFS	Receipt of Maintenance Fee Statement	05/03/2007									
RAP	Receipt of Acknowledgment Postcard	04/30/2007									
XXX	CAL phoned Finance Division/MF when realized wrong fee amount paid. Was told that we would be sent a notice of short	10/26/2011									

Date Calculator

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Actions

Reports

Lists

Matter-Number	Client Reference Number
56733	

Client

Aasaf (Joseph) Shafik

Title of Invention

TOILET ACCESSORY KIT

clambert

12/23/2011 12:55

Patent Application

Serial Number	Filing Date
09/052,175	03/31/1998
Filing Jurisdiction	
United States of America	

Patent

Patent Number	Issue Date
5,971,141	10/26/1999
Examiner	Art Unit

Action Code	Action	Base Date mm/dd/yyyy	No.	Units	Reminder Date mm/dd/yyyy	Due Date mm/dd/yyyy	SBD No.	SBD Units	StarBar Date (SBD) mm/dd/yyyy	Completion Date mm/dd/yyyy	
MF75	Maintenance Fee (7 1/2 years)	10/26/1999	7	Years	10/26/2006	04/26/2006	8	Years	10/26/2007	04/25/2007	Drop dead date
MF11	Maintenance Fee (11 1/2 years)	10/26/1999	11	Years	10/26/2010	04/26/2011	12	Years	10/26/2011	10/26/2011	Drop dead date
MFS	Receipt of Maintenance Fee Statement	05/03/2007									
RAP	Receipt of Acknowledgment Postcard	04/30/2007									
XXX	CAL phoned Finance Division/MF when realized wrong fee amount paid. Was told that we would be sent a notice of short pay.	10/26/2011									
XXX	Receipt of Non-Acceptance of	11/04/2011									

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File	Actions	Reports	Lists
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ESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

"Don't cry because it's
over. Smile because it
happened."

— DR. SEUSS

4/5
57664
Blake
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FINAL

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Hispanic Heritage
Month Ends

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56733-
3/17/74
D.D. TODAY

APRIL 2011

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

NOTES

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 To see if
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Palm Sunday

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Patriots' Day
(MA, ME)

18

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First Day
of Passover

19

20

Easter Sunday
Orthodox
Easter

24

25

26

Administrative
Professionals Day

27

56733 - MF
 DPD 10-26-11

MARCH

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

MAY

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		